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FINANCIAL INDUSTRY REGULATORY  
AUTHORITY, INC. ("FINRA") f/k/a NATIONAL  
ASSOCIATION OF SECURITIES DEALERS,  
INC.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DENISE R. REED,

Petitioner,

v.

NATIONAL ASSOCIATION OF SECURITIES  
DEALERS, INC., WHITE PACIFIC  
SECURITIES, INC. and ROY L. PANELLI,

Respondents.

CASE NO. 4:07-CV-03648-CW

**MOTION FOR ADMINISTRATIVE  
RELIEF OF RESPONDENT FINANCIAL  
INDUSTRY REGULATORY AUTHORITY  
FOR VACATION OF ADR SCHEDULING  
ORDER**

1 On July 16, 2007, this Court entered an Order Setting Initial Case Management Conference  
2 and ADR Deadlines ("ADR Scheduling Order"). That Order provided that the parties must address  
3 discovery and file a joint ADR certification pursuant to Civil L.R. 16-8 by October 2, 2007.  
4 However, the ADR process is not applicable to this proceeding because it involves a petition to  
5 confirm an arbitration award, rather than a complaint. Indeed, Respondent Financial Industry  
6 Regulatory Authority ("FINRA") is not implicated by the substantive issues in this case and was  
7 named in this proceeding only because FINRA's Rule 2130 establishes procedures for FINRA  
8 members and associated persons, such as Petitioner Reed, to obtain expungement of customer dispute  
9 information from records FINRA maintains in the Central Registration Depository ("CRD"). These  
10 procedures include obtaining an arbitration award that grants expungement relief, and naming FINRA  
11 as a party to the court action in which petitioner seeks a court order confirming the arbitration award.  
12 Moreover, because FINRA and Petitioner Reed have reached an agreement in principle to resolve  
13 Petitioner's claims as to Respondent FINRA, the ADR process is not necessary for the effective  
14 resolution of this case.

15 Likewise, the other deadlines set forth in the ADR Scheduling Order (deadlines to file 26(f)  
16 reports, case management statements and a date for an initial case management conference) are  
17 inapplicable to this type of proceeding because it does not involve discovery. As such, FINRA  
18 requests the Court to vacate the current ADR Scheduling Order and set a briefing schedule requiring  
19 that FINRA submit a stipulation or other response to the Petition by October 12, 2007.

20  
21 In accordance with Local Rule 7-11, FINRA submits concurrently with this Motion a  
22 stipulation stating that Petitioner Reed and Respondent White Pacific Securities, Inc. do not oppose  
23 vacation of the ADR Scheduling Order. Because Respondent Roy L. Panelli has not answered or  
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1 appeared in this proceeding, FINRA also submits the Declaration of Rebecca Justice Lazarus stating  
2 that Mr. Panelli's stipulation to this Motion could not be obtained.

3 DATED: September 26, 2007

4 GIBSON, DUNN & CRUTCHER LLP

5  
6 By: s/ Rebecca Justice Lazarus  
7 Rebecca Justice Lazarus

8 Attorneys for Respondent  
9 FINANCIAL INDUSTRY REGULATORY  
10 AUTHORITY, INC. ("FINRA") f/k/a NATIONAL  
11 ASSOCIATION OF SECURITIES DEALERS, INC.  
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**DECLARATION OF SERVICE**

I, Robin McBain, declare as follows:

I am employed in the County of San Francisco, State of California; I am over the age of eighteen years and am not a party to this action; my business address is One Montgomery Street, 31st Floor, San Francisco, California 94104, in said County and State. On **September 26, 2007**, I served the within:

**ADMINISTRATIVE MOTION FOR VACATION OF SCHEDULING ORDER;  
DECLARATION OF REBECCA JUSTICE LAZARUS IN SUPPORT THEREOF;  
[PROPOSED] ORDER GRANTING RESPONDENT FINANCIAL INDUSTRY  
REGULATORY AUTHORITY'S MOTION FOR ADMINISTRATIVE RELIEF FOR  
VACATION OF ADR SCHEDULING ORDER**

**STIPULATION OF PETITIONER DENISE R. REED, RESPONDENT WHITE PACIFIC  
SECURITIES, INC. AND RESPONDENT FINANCIAL INDUSTRY REGULATORY  
AUTHORITY IN SUPPORT OF RESPONDENT FINANCIAL INDUSTRY REGULATORY  
AUTHORITY'S MOTION FOR ADMINISTRATIVE RELIEF FOR VACATION OF ADR  
SCHEDULING ORDER**

to each of the persons named below at the addresses shown as follows:



**BY ECF (ELECTRONIC CASE FILING):** I e-filed the above-detailed documents utilizing the United States District Court, Northern District of California's mandated ECF (Electronic Case Filing) service on September 26, 2007. Counsel of record are required by the Court to be registered e-filers, and as such are automatically e-served with a copy of the documents upon confirmation of e-filing.



**BY PERSONAL SERVICE:** I placed a true copy in a sealed envelope addressed to the below-listed party named at the address shown and giving same to a messenger for delivery before 5:00 p.m. on the above-mentioned date.

**Respondent Roy L. Panelli**

Roy L. Panelli  
1436 Grand Ave.  
San Rafael, CA 94901

I certify under penalty of perjury that the foregoing is true and correct, that the foregoing document(s) were printed on recycled paper, and that this Declaration of Service was executed by me on **September 26, 2007**, at San Francisco, California.

/s:/Robin McBain  
Robin McBain